

Civil Rights and Equal Opportunity

Including Fair Housing, Citizen Participation,
and Section 3

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ADECA CDBG 334-353-0233

Applicable Laws:

- Civil Rights Act of 1964 – Title VI
- Rehabilitation Act of 1964 – Section 504
- Housing and Community Development Act of 1974 – Section 109
- Americans with Disabilities Act of 1990
- Architectural Barriers Act of 1968
- Age Discrimination Act of 1975
- Fair Housing Related Presidential Executive Orders

Minimum Requirements for Civil Rights Compliance

- Equal employment opportunity (hiring)
- Equal access to CDBG contracts and business opportunities (contracting)
- Section 504 Handicapped Act Requirements and Compliance with Federal Fair Housing Legislation

Ensuring Equal Opportunity

Subrecipients must take measures to:

- Ensure non-discriminatory treatment and equal access
- Affirmatively Further Fair Housing
- Provide economic opportunities to low-income residents (Section 3)

Non-Discrimination:

CDBG subrecipients must administer their programs in a **non-discriminatory manner** without regard to:

- Race
- Color
- National origin
- Sex
- Age
- Religion
- Handicap
- Familial status

Affirmatively Furthering Fair Housing

Striving toward equal housing opportunities for all persons living in your jurisdiction by:

- Administering laws that prohibit discrimination in housing
- Promoting public awareness of fair housing laws
- Improving the accessibility of housing to persons with disabilities

The duty to affirmatively further fair housing extends to all program participant activities and programs relating to housing and urban development.

In order to **affirmatively further fair housing**,
localities shall:

1. Conduct an Analysis of Impediments to Fair Housing Choice (AI)
**required as part of the LCC response*
2. Take appropriate actions to overcome the effects of any identified impediments in the AI
3. Keep records reflecting the analysis (AI) and actions taken to overcome any identified impediments

The Analysis of Impediments to Fair Housing Choice (AI) is a review of impediments to fair housing choice in the public and private sectors. The AI involves:

- **A comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices**
- **An assessment of how those laws, etc. affect the location, availability, and accessibility of housing in that jurisdiction**
- **An assessment of conditions, both public and private, affecting fair housing choice for all protected classes**
- **An assessment of the availability of affordable, accessible housing in a range of unit sizes**

Subrecipients are required to **take appropriate actions** to correct any identified impediments, including:

- Promoting homeownership through housing and credit counseling
- Removing barriers to affordable housing
- Conducting and promoting fair housing testing
- Conducting and promoting fair housing education and outreach

Suggested Activities:

- **Public information programs through local media (radio, billboards, newsprint, TV)**
- **Examine local zoning ordinances**
- **Discuss issues through local government public hearings**

Beginning with PY2015 CDBG grants, the following two activities will now be **mandatory actions:**

- 1. Issue a “Fair Housing Month” proclamation by the municipality for the month of April.**
- 2. Publish and display bilingual fair housing information (online, in government buildings, billboards, etc.)**

Four specific tools to assist CDBG grant recipients (Available on ADECA website):

- **Analysis of Impediments (AI) (LCC phase)**
- **Fair Housing, Equal Opportunity, and Civil Rights Compliance Questionnaire (LCC phase)**
- **Civil Rights Compliance Checklist (Monitoring Phase)**
- **CDBG Closeout Checklist (Closeout Phase)**

FAIR HOUSING PLANNING GUIDE

More information is available in the HUD Fair Housing Planning Guide, Volumes I & II, available through the HUD Fair Housing website:

www.hud.gov/fhe/fhplan.html

Citizen Participation Plan

- ✓ **essential element of the locality's community development process**
- ✓ **encourages the input and participation of the citizenry**

Citizen Participation Plan

- Alabama requires all local government subrecipients to have a written local CPP in place. *see ADECA website for template.
- CPP must be followed during the planning and implementation phases of the CDBG project.

Citizen Participation Plan

Goal of the CPP:

To provide all citizens of the community with an adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of community development activities.

Citizen Participation Plan

CPP places special emphasis on encouraging participation by:

- persons of low and moderate-income
- residents of blighted neighborhoods
- residents of areas where community development funds are utilized.

Citizen Participation Plan

Public participation is facilitated through **public hearings** in order to:

- obtain views of citizens
- provide citizens an opportunity to comment on the applicant's community development performance.

Requirements of Public Hearings

1. Must be advertised in a major newspaper of general circulation.
2. Must be held at times and in places accessible to low and moderate income residents.
3. All materials and meetings must be accessible to persons with Limited English Proficiency, upon request.

Requirements of Public Hearings

4. At least one public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to ADECA.
5. The location of all public hearings shall be accessible to persons with disabilities.
6. The community shall provide a sign language interpreter whenever the community is notified in advance that hearing impaired persons will be in attendance.

Language Access Plan

Prior to advertising for or conducting a public hearing, all subrecipients must conduct a **Four-Factor Analysis** and, if applicable, develop a **Language Access Plan** for persons with Limited English Proficiency.

Language Access Plan

If the Four-Factor Analysis identifies a group of Limited English Proficient persons, the notices and citizen participation materials must be made accessible to those individuals. This can include providing an interpreter when needed, and providing materials in the appropriate language format.

Section 3

Section 3 is a provision of the HUD Act of 1968 that is intended to foster local economic development, neighborhood economic improvement, and individual self-sufficiency.

Section 3

- Section 3 of the HUD Act is race-neutral.
- Section 3 refers to local and low income.
 - Local-county or metropolitan area (MSA).
 - Low Income- “low income” (single persons or families with incomes less than 80% of median income for area); “very low income” (single persons or families with incomes less than 50% of median income for area).

Section 3

Scope:

Section 3 requirements apply to the entire activity, regardless of whether it is fully or partially funded by CDBG.

Report only CDBG Dollars.

Minimum Requirements of Section 3

- Publicize available economic opportunities for CDBG projects.
- Include the Section 3 Clause in contracts. Use the Section 3 clause found at 24 CFR § 135.38
- Ensure compliance of contractors and subcontractors.
- Document efforts to comply.
- Submit Form 60002 annually and also at closeout.

Section 3 Employment of Residents

Who is a Section 3 Resident?

- **Public Housing Resident**
- **Families or single persons that are low or very low income**
- **Participant in HUD Youthbuild Program**
- **Homeless person residing in project area**

Section 3 Contracting of Businesses

What is a Section 3 Business?

- **51% or more owned by Section 3 residents**
- **30% or more of permanent, full time employees are Section 3 residents or were Section 3 residents when hired**
- **25% or more of contract dollar value is subcontracted to business concerns meeting the criteria listed above**

Section 3 Goals

30% of new hires

10% of construction contracts (building trades work for maintenance, repair, and public construction)

3% of non-construction contracts (includes professional service contracts)

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